



Protecting State Border: Risk and Prevention. Economic Dimension

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ABSTRACT

This paper aims at discussing to what extent an effective protection of a state border (in this case: the external EU border that partly coincides with the border of the Republic of Lithuania, which amounts to 1070 km. (the whole perimeter of a border amounts to 1763 km)) depends on successful prevention and dismantling of activities of trafficking networks and on understanding the economic mechanisms for the operation of those networks. The paper will introduce the pilot study (completed in Spring, 2017) with an aim to identify the concepts officers – state border guards have on diversity and migration; first chapter is dedicated to the issue. Also, an analysis of the Lithuanian situation is presented in the second chapter. The fact that during the last several years (since 2012), the number of irregular migrants decreased by almost 4 times is discussed from two aspects. Firstly, measures of prevention and infrastructure. Namely, the distance under the surveillance of CCTV cameras increased twofold during the time, also, the cooperation with colleagues in the field in other countries (Byelorussia) improved significantly. Another factor was an improved cooperation of the law enforcement agencies between the countries and within Lithuania. The data shows that one of the major factors for decreasing the illegal migration that is, prevention is a successful removal of economic factor from the process (or at least, it serves as a strong deterrence). That is, it was identified that the predominant number of irregular migrants were doing that not as individuals, but in the groups, led by traffickers, whose fee in recent years increased. Therefore, effective legal measures against traffickers provide solid basis for decreasing irregular migration.

INTRODUCTION

In the context of the events during recent years in the EU countries, one of the greatest concerns for general public, and surely, the officers responsible for the territory and public security is to strengthen the surveillance and protection of borders. The concern stems both from the Ukrainian experiences, and from the fact that external migration to the EU does not decrease to a sufficient extent despite many attempts. The migration and diversity are the constants in the history of humankind. However, only today this fact has to be reflected and acted upon at a different level, because of the international agreements, the perspectives and sources for societal development, including the fact that contemporary society analyses the phenomena from various angles. On the one hand, neutral analysis is carried out: GDP rate, wage, dynamics of unemployment rate may be at focus (Simionescu et al., 2016); also, positive dynamics of intellectual capital of a given country due to migration may be analysed (Mačerinskienė et.al, 2016); on the other hand enrichment of linguistic and cultural diversity is addressed (Stepanovienė, 2016), or the migration is conceptualised as a threat that needs to be carefully monitored (Kumpikaitė-Valiūnienė, 2017; Piwowarski, 2016; Piwowarski, Czop, 2017; Syliwoniuk-Wapowska, 2016).

Moreover, as Vakulenko, Mkrtchyan and Furmanov (2011) note, the substantial migration in almost cases is linked to some objective factors: unemployment, social inequality, necessity to start in anew in places that allow for new opportunities (as opposed to migration that is triggered by purely subjective factors, such as marriages). Therefore, substantial migration in itself may serve as a reliable indicator on some profound problem a state or territory faces, because people do not choose to migrate in substantial numbers easily.

The paper *aims* at presenting theoretical considerations and empirical/statistical data on the measures of prevention and minimising risks at the state border with an emphasis on economic dimension of the two activities mentioned above. The first chapter of the paper presents pilot study (completed in Spring, 2017) with an aim to identify the concepts officers – state border guards have on diversity and migration. Please, be advised that findings are presented in more details in another publication by the authors (Zuzevičiūtė, Greičius, 2017). An analysis of the Lithuanian situation on the irregular migration and its prevention using legal measures is presented in the second chapter.

Methods of critical reference analysis, statistical data and the empiric study (based on the qualitative research methodology) are employed..

1. PROTECTING STATE BORDER, DIVERSITY AND MIGRATION. OFFICERS' CONCEPTS

Lithuania is an independent state since 1990, with the territory of a bit more than 65 thous. sq. km, with 1070 km of EU external border (with Russian Federation, Byelorussia). The Republic of Lithuania is situated near the Baltic Sea. Lithuania is a Member State of the European Union. The membership started in May, 2004. The number of population is 2.86 mln. in 2016 (Department of Statistics (a), 2017).

The history reminds us about different ways of treating migration and diversity: sometimes integration and even support were evident, sometimes, however, the most dramatic or even horrifying antagonism took place; on the other hand - the phenomena have always been a reality. It is the levels and the degrees of manifestation are different in different countries and at different times.

From the data bellow it is evident that contemporary Lithuania is still a homogeneous society: the majority of Lithuanian citizens attribute themselves being Lithuanians (more than 84,2 %). Other citizens declare themselves being Polish (6.6 %), Russian (5.8 %), Byelorussian (1.2 %) and of other nationalities (Census, 2011), the majority (99.8 %) of the population indicated that they had one citizenship (of them: 99.3 % indicated citizenship of the Republic of Lithuania). Lithuanian

citizens attribute themselves being Roman Catholics (77,3%) (Department of Statistic (b), 2017).

At the face of recent political events and the immigration into the EU, Lithuania also faces certain tasks and responsibilities: the state agreed to the quota of taking in refugees (1056 individuals) (Lietuvos žinios/Lithuanian News, 2017). However, during more than a year (since the middle of 2015 up to the end of 2016), only few hundreds of refugees chose Lithuania as their destination country; moreover - of the ones who were accepted into the country, a third already left it.

At the face of these profound changes, the role of a law-enforcement institution and namely, an institution of state border guard service cannot be underestimated. The way that the officers conceptualise diversity and migration may decide to which side of a scale a society goes. On the one hand a community (state) may choose democracy and the efforts to balance public security and human rights, notwithstanding the difficulty of the task. On the other hand, a community (state) may choose a path towards alienation, isolation and stratification. Therefore the concepts that state officers have on diversity and migration may to some extent contribute to the ultimate choice that particular community (state) makes. As paradoxical as this may sound, history illustrate that efforts of few may result in profound changes. As one of the examples, the development of international humanitarian law may be provided. Žilinskas and Marozas, 2016 note that only in recent a hundred and fifty years or so, and only due to the efforts of particular people (whose names history knows), and whom later joined the other also, such commendable initiatives as the rights of war victims for medical assistance and similar started to be emphasised.

The main document for law-enforcement officers (The Statute of Internal Service, 2015) clearly states that the person who is entitled to serve in Lithuanian law-enforcement should keep up to principles of precedence of law, of political neutrality, of ethical professional conduct, of transparency, of equality and the readiness to defend human rights regardless of the political or ethnical origin of a person. The document clearly stipulates principles that provide the basis for a democratic, worth-living society.

It is important to identify to which extent are these stipulations reflected (or not) in a personal conceptualisation of the issue at focus (diversity and migration). A pilot study was carried out in Spring 2017 with this purpose.

Methodology. The written reflections of all the respondents were collected and the content analysis was applied with an objective to identify the main concepts (categories and subcategories); even if a respondent had several ideas, the first one was chosen as the main; therefore the number of shared contributions within one given category does not exceed the number of respondents (N). The discussions and writing reflections were anonymous, which allowed for the convincing and safe sharing of personal ideas. The officers were also interviewed orally in order to identify the economic dimension of the illegal activity (organising trafficking). 10 officers, with at least 5 years of professional experience, all men, representatives of districts at the State Border Guard Service participated in the study. There are appr. 3500 state border guard officers in the service in Lithuania, therefore the N (of respondents) = 10 is a very small sample, as a consequence the findings should be interpreted with caution; on the other hand, a methodology of qualitative research allows for small numbers in a sample (Kardelis, 2016). Notwithstanding, we acknowledge this fact as a limitation of a study. Another limitation stems from the very nature of the problem addressed, and namely, the covert economic dimension of the activity; as Dec, Masiukiewicz, (2015) rightly noted, identification of illegal monetary transactions of any kind poses certain difficulties because of their very nature and the intensive attempts of the individuals involved to hide them or their amounts. Therefore, the objective data on the amounts is limited, and subjective findings, therefore, are also relied on.

Respondents were invited to share their ideas ("How do I define intercultural diversity, related to migration in a contemporary society"; "What are my, state border guards' perspective on migration and its regulation"; "My personal perspective on migration and its regulation" and "What is the sum that people pay the organisers of trafficking for assisting in crossing Lithuanian border illegal-

ly”, and “What is the dynamics of pre-trial investigations in the context”?). Content analysis of written reflections was performed on the reflections shared. The analysis of empiric study showed a variety of ideas. The findings from oral interviews are presented in second chapter.

Concerning the concepts of the officers in the field, the opinions were grouped into two main categories (the main idea was taken into consideration); the negative perspective seems to dominate:

Table 1: Intercultural diversity, related to migration in a contemporary society

<i>“How do I define intercultural diversity, related to migration in a contemporary society”</i>	
<i>Negative (4 contributions)</i>	<i>Positive; Positive/Neutral (4 contributions)</i>
Migration as immigration – and possible threat to national identity if not reflected well and if the education (of both citizens and immigrants) is not adequate – 3. Migration as immigration: is considered as an import of problems that exist in other countries into the Lithuanian state – 1.	Migration as immigration: possibility to expand labour market, cultural horizons learn new languages and traditions, even cuisines; however, respect for legal framework of the state is of extreme importance – 3. Migration as immigration: if to expand horizons-positive, but in many cases immigration leads to increased levels of threats for the citizens – 1.

2 contributions were excessively short and ambiguous.

The officers’ perspectives (“What are my, state border guards’ perspective on migration and its regulation”) were categorised into two groups.

Table 2: State border guards’ perspective on migration and its regulation

<i>“What are my, state border guards’ perspective on migration and its regulation”</i>	
<i>Positive (5 contributions)</i>	<i>Negative (5 contributions)</i>
As the migration (both emigration and immigration) is a natural process, the regulation of migration is of utmost importance, and in Lithuanian state it is quite well defined and organised – 5.	The regulation of migration is not sufficient, both from the perspective of checking people’s background (especially from the Third countries; and sanctions for violations (e.g., overstay in the state)) – 5.

What is interesting to note (probably, that displays Lithuanian situation clearly) is: the conceptualisation of migration as the process of losing its citizens. Also it is evident from the study that the officers expect the technical side of their profession to still improve in order to perform their duties adequately and therefore – minimise the risks caused by irregular or unmanaged (or both) migration.

The third theme (“My personal perspective on migration and its regulation”) did not -seemingly - generate new insights, because in majority of cases the answers were: ‘the same, as an officer’. On the other hand, for us, researchers, it is this particular contribution ‘the same’ is of most interest, because it contributes to the notion discussed above. And namely: the fact that respondents equal their professional to their personal concepts and the fact that there is an almost total balance between negative and positive concepts shows that the claim posited above: a choice for democracy and the efforts to balance public security and human rights, or a path towards aliena-

tion, isolation and stratification, is delicate. Even the officers are very reflective on the issue, and therefore a constant attention to the process and dynamics of changes in personal concepts is necessary in order to identify the consequent changes in a wider community, public and political discourse. We may call this an educational prevention measure for securing the society worth living.

However, if the personal concepts seem to somehow remain in a subtle though delicate balance, the state (The Republic of Lithuania) invests a lot into managing irregular migration in order to prevent objective risks. The next chapter investigates the dynamics through a lens of objective data; however, some of the findings presented are also generated by the oral interviews (as the data is not available for public otherwise)

2. STRENGTHENING STATE BORDER: MEASURES FOR PREVENTION OF IRREGULAR/ILLEGAL MIGRATION (ECONOMIC DIMENSION)

In recent years due to structural changes, the irregular migration at the Lithuanian border is managed well. The number of irregular immigrants decreased by almost 4 times in recent years, as is illustrated in Table 3 (State Border Guard Service, 2017):

Table 3: Number of irregular immigrants

2014	345
2015	230
2016	136

Source: State Border Guard Service, 2017

Surely, these are individuals, who were registered while crossing state border illegally; it may be that a certain percentage of crossings was not registered; even with this allowance, a tendency is positive; that is, the risks posed by irregular migration are evidently minimised during recent years. Also, in 2016 within the territory of the state 1205 individuals, who resided in the state illegally, were detained.

The tendency is resulted by implementing at least two major prevention measures. One of the measures is investment into infrastructure. Another major prevention measure is a more effective cooperation between law-enforcement agencies within the country and the state border guard services with neighbouring countries, including a more effective elimination of economic dimension in the process, and, therefore, as a consequence, ensuring the impunity at the face of law. As Infante and Smirnova (2016) emphasised, the legal regulation has an impact in absolutely any sphere of human activity only if it is adequately and universally applied.

The improvements are to a major extent resulted by an investment into an infrastructure for the state border protection. In 2016, 348,46 km (that is 33%) of external border are under the surveillance of CCTV. It is planned to have 518 km (that is 48%) of the external border controlled that way by the end of 2017. In June, 2017 the construction of 44,6 km of the fence at the border with the Russian Federation was started; the construction is estimated to be finalised by the end of the year (State Border Guard Service, 2017).

On the other hand, it was also found that the number of un-organised crossings of individuals decreases as opposed to organised crossings of the border. In 2016 26 pre-trial investigations were started in Lithuania for the suspicion on assisting illegal trafficking of people.

It was found that the majority of cases involved assistance in illegal crossings for the citizens of Vietnam and Afghanistan. Moreover, the tendency is evident that the number of people in one group increases. E.g., in 2016, the number of detained traffickers (in comparison to 2015) decreased by 61,2%; on the other hand, the number of individuals crossing border illegally decreased only by 26,8%. That means: the groups (when 1 trafficker assists illegal crossing of a border) became larger. In majority of cases, the groups consisted of 10 – 15 people in 2016 (while in 2015 – up to 10). Also, new paths of illegal crossings, using vehicles from Latvia were identified. With an elimination of economic factor as an effective measure of prevention of the risks at the border being at focus of this paper, it is important to note that the sums for payments for organising illegal crossing via the state border increased in recent years, and it is estimated to reach up as high as several hundred EUR/person; therefore, if a group of 10 people crosses the Lithuanian border, organisers may generate a sum of up several thousand EUR/group for this illegal activity (as the data from interviews with professionals in law-enforcement shows).

Because this type of data is not available in any officially available document, only in court-proceedings, which are closed for the public in their very nature; this issue as the limitation of a study was addressed earlier in the paper. On the other hand, certain tendencies are established and serve well for positing main statements of the paper: economic gain is sufficient to serve as a powerful incentive, and therefore its removal, or at least, minimisation, may have a substantial positive preventative impact. Surely, this economic dimension has a great impact on individuals, choosing the illegal activity.

Among the most effective preventive measures to manage (and minimise if not eliminate organised illegal crossings) are: 1) to further enhance the profile and reputation of the Lithuanian state as the one that fights successfully and ceaselessly with this type of criminal activity; 2) to use all available legal measures to capture the individuals who undertake the above mentioned activity and to enact legal measures against them in order to deter others from engaging into it, or at least making it complicated enough, and hence: expensive; and therefore eliminate a factor for 'high economic benefit' for individuals, potentially planning organising illegal crossings. Another economic factor, related to the same issue is the ceiling for the financial fine. The issue will be addressed further on. Surely enough, the economic factor: international aid for the countries that would benefit from investment and re-building or re-structuring of their economies (and therefore, the emigration from those countries will be decreased) is important for prevention. However, in this case as Dostić, Todorović. D, and Todorović I. (2013) note, also other factors should be carefully considered, and therefore this measure, though is mentioned as an important one, however, is not analysed further on because of the other mechanism are involved, and they go beyond the scope of this study.

Both first and second types of measures, mentioned above, are at the focus of the law-enforcement agencies for several years; and therefore some experiences are accumulated, and may be under reflection already.

Criminal law Code stipulates sanctions for this illegal activity (Article 292, on organizing illegal crossing of the state order). During the period of developing this paper (Spring - Summer, 2017), at Kaunas county prosecutor's officer (Kaunas County is chosen, because it has an external EU border) 8 pre-trial investigations¹ are being started on the grounds of violating the above mentioned Article 292. At the moment citizens from Russian Federation and the Republic of Latvia are being detained for transporting citizens from Syria, Sri Lanka and Vietnam (none of the people had the required documents allowing crossing Lithuanian state border or residing in Lithuania). In the Table below the data is presented on the results of pre-trial investigations.

¹ 6 of the pre-trial investigations are carried out by Kaunas County prosecutor's office itself, 1 at the subsidiary in Alytus, and 1 at the subsidiary in Jonava.

Table 4: The dynamics of number of finalised pre-trial investigations during the period of 1 January, 2014 – June 9, 2017 (totally, 85 cases were finalised)

For court deliberations:	In 2014	In 2015	In 2016	By 9 June, 2017
Accusatory act:	8	17	10	-
Accusatory order:	5	32	10	3
Totally:	13	49	20	3

On the other hand, in the light of the lack of evidences in some cases the pre-trial investigations were cancelled or suspended (Table 5):

Table 5: The dynamics of number of cancelled or suspended pre-trial investigations during the period of 1 January, 2014 – June 9, 2017

Result:	In 2014	In 2015	In 2016	By June 9, 2017.
Cancelled pre-trial investigations	3	5	-	1
Suspended pre-trial investigations	1	1	1	-

The analysis of the early experiences of applying legal measures against traffickers of people revealed that the very fact that a trafficker was a foreign citizen had a positive impact on those individuals from a legal perspective because of the following reasons. In those cases when courts did not issue an order to detain persons, said persons, being foreign citizens, in many cases left Lithuania and hid from justice. This particular problem was addressed already (in order to enhance the profile of Lithuania as of a state that does not allow for illegal activities going unpunished). Therefore, today, in majority of cases the detention is applied.

Another aspect that still has to be addressed is the economic factor (the ceiling for a financial fine). A person, according to Lithuanian law, is entitled for a temporal release to wait for final court verdict, if a bail is paid. In some cases, after a convicted person leaves a country, and if a determined fine is higher than the bail paid, then it is difficult to ensure the whole sum of the fine will be paid to a state budget. The third problem issue (which, on the other hand, is universal also for other fields of criminal pre-trial investigations) is the fact that suspects hide, and therefore period of time for pre-trial investigation expands. In those cases, cooperation of law-enforcement agencies between countries becomes of crucial importance. Since January 1, 2014 four pre-trial investigations were forwarded to law-enforcement agencies in other countries; this choice, however, has its downturns, and mainly, it is expensive (e.g., all the materials have to be translated into the language of a country that takes over further investigation).

CONCLUSIONS

The results of theoretical considerations, of the empiric pilot study and the analysis of statistical data reveals that one of the most effective ways to minimise risks at a state border is prevention. However, prevention has many faces. The results of the empiric study (based on qualitative research methodology) reveal how delicate the balance between conceptualising the diversity and the migration is. The opinions shared by officers show that professionals conceptualise migration

as negative and as a positive phenomenon (equal distribution of contributions); moreover, they equal their professional and personal perspectives. That is, the tendencies in public and political discourse that became so evident in recent years, and especially in recent months (Spring, Summer, 2017) on whether to stand by democracy and human rights or emphasise safety at their expense, find their place in personal opinions also among the citizens and professionals. Therefore wide public discussions on what are the models and the future of the society worth living today seems to comprise a major prevention measure: an educational one.

Other complex measures of prevention of risks at the border are the investment into first-line protection of the border. The infrastructure and more effective cooperation between law enforcement institutions are of utmost importance in this instance. The cooperation between law-enforcement agencies within the state and in neighbouring countries is of crucial importance, as it was illustrated above while analysing application of the stipulations of criminal law. Measures of renting premises, transportation, trafficking, social support, charity activities all have to be harmonised and focused.

If prevention is focused only at the state border itself, its effectiveness in stopping illegal crossings is limited to some extent; on the other hand, once an illegal immigrant is in the territory, other legal (and social), measures are necessary.

Prevention should focus on measures before an illegal crossing took place. Therefore prevention should be organised at several tiers. Firstly, by introducing disciplined and responsible legal regulation mechanisms within the territory of a state. Another tier is to introduce a system of appropriate social services for those who reside at least temporary in a state.

However, as one of the crucially important measures for prevention - the necessity for removal of economic and legal benefits for those who engage in organising illegal crossing/trafficking of people - was emphasised iteratively in this paper. Robust legal measures against traffickers in synergy with inevitable responsibility for illegal actions help building a profile of a state that respects and effectively applies the principle and measures against impunity; and that in itself serves as an important preventive measure.

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